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August 17, 2004

VIA HAND DELIVERY

Mr. Bryant VanBrakle  
Secretary  
Office of the Secretary  
Federal Maritime Commission  
Room 1046  
800 North Capitol Street, N.W.  
Washington, D.C. 20573

Re: FMC Petition Nos. P3-03, P5-03, P7-03, P8-03,  
P9-03, P1-04, P2-04 and P4-04

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FEDERAL MARITIME COMMISSION

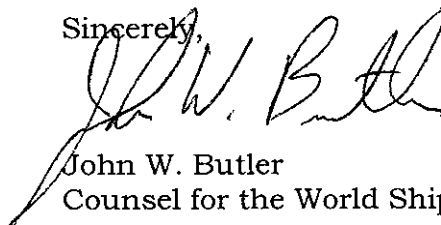
Dear Mr. VanBrakle:

Enclosed please find the original and fifteen (15) copies of the World Shipping Council's Reply Comments in the above-referenced proceedings.

A copy of this letter and its enclosure have been provided for your acknowledgement of receipt.

Should you have any questions regarding the foregoing, please do not hesitate to contact the undersigned at (202) 463-2510.

Sincerely,



John W. Butler  
Counsel for the World Shipping Council

Enclosure  
JWB:jmb

cc: Counsel of Record

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**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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**Petition of United Parcel Service, Inc.  
Petition No. P3-03**

**Petition of C.H. Robinson Worldwide, Inc.  
Petition No. P9-03**

**Petition of the National Customs Brokers and  
Forwarders Association of America, Inc.  
Petition No. P5-03**

**Petition of Danzas Corporation d/b/a Danmar  
Lines Ltd., Danzas AEI Ocean Services, and  
DHL Danzas Air and Ocean  
Petition No. P1-04**

**Petition of Ocean World Lines, Inc.  
Petition No. P7-03**

**Petition of BDP International, Inc.  
Petition No. P2-04**

**Petition of Bax Global Inc. for Rulemaking  
Petition No. P8-03**

**Petition of FedEx Trade Networks Transport &  
Brokerage, Inc.  
Petition No. P4-04**

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**REPLY OF THE WORLD SHIPPING COUNCIL  
TO MOTION FOR LEAVE TO FILE JOINT SUPPLEMENTAL COMMENTS  
REQUESTING EXPEDITED ADOPTION OF A CONDITIONAL EXEMPTION FROM  
TARIFF PUBLICATION**

The World Shipping Council ("WCS" or the "Council"), by its undersigned attorneys, hereby files its reply to the Motion for Leave to File Joint Supplemental Comments Requesting Adoption of a Conditional Exemption from Tariff Publication, filed August 2, 2004 (the "Supplemental Motion") in the above-captioned dockets.

**A. BACKGROUND**

The Supplemental Motion seeks leave by seven petitioners<sup>1</sup> to file Supplemental Comments in the above-captioned proceedings. The Supplemental Comments present a simplified and unified request for relief that has been distilled from the disparate requests

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<sup>1</sup> The movants are The National Industrial Transportation League, FedEx Trade Networks Transport & Brokerage, Inc., United Parcel Service, Inc., Transportation Intermediaries Association, BAX Global, Inc., C.H. Robinson Worldwide, Inc., and BDP International, Inc.

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for relief originally filed in these dockets. One of the Council's primary concerns with the petitions as originally filed was that they requested many different and often inconsistent forms of relief.<sup>2</sup> Because of the broad range of relief requested, the Council suggested that the Commission implement procedures to organize and narrow the issues so that a proper analysis could be conducted.<sup>3</sup>

## **B. THE SUPPLEMENTAL MOTION**

Acceptance of the Supplemental Comments into the record would appear to narrow and more clearly define the issues in these related dockets. Because the Supplemental Comments appear to address one of the WSC's primary procedural concerns with the original petitions (i.e., that those petitions were vague and in many cases inconsistent with one another), WSC does not oppose the Supplemental Motion, provided that WSC and other interested parties are provided an opportunity to respond substantively to the proposal set forth in the Supplemental Comments.

It is for the Commission, of course, to choose the proper procedural mechanism (action on a petition, rulemaking, adjudication, etc.) for ultimately addressing the issues raised by the many related petitions filed regarding tariff requirements for NVOCCs. That said, movants here have requested a particular procedure – issuance of an order accepting their latest consolidated proposal based on the existing record. Given the immediacy of the relief requested and the fact that the relief currently requested has not previously been proposed in this form, WSC believes that it is appropriate for the Commission to allow interested parties a reasonable amount of time to reply to the

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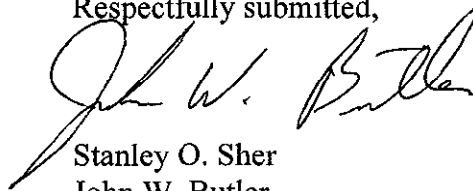
<sup>2</sup> See Further Comments of The World Shipping Council at 2-5 (January 16, 2004).

<sup>3</sup> *Id.* at 7.

substance of the Supplemental Comments (assuming that the Commission grants the motion for leave to file).

The WSC's Board of Directors and general membership are scheduled to meet in mid-September. In order to allow for appropriate consideration of the fundamental regulatory issues presented in the Supplemental Comments and preparation of its response, WSC respectfully requests that the Commission set a date of September 30, 2004, for substantive responses to the Supplemental Comments. This date will both allow time for parties to file meaningful responses to the Supplemental Comments and also be consistent with the request of the movants for the Commission promptly to consider the modified relief outlined in the Supplemental Comments. Counsel for the moving parties have authorized the undersigned to represent that those parties have no objection to the September 30, 2004, date for substantive responses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley O. Sher" and "John W. Butler" joined together.

Stanley O. Sher  
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SHER & BLACKWELL LLP  
1850 M Street, N.W.  
Suite 900  
Washington, DC 20036

*Counsel for the World Shipping Council*

August 17, 2004

## CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August 2004, I have served the foregoing Reply of the World Shipping Council to Motion for Leave to File Joint Supplemental Comments Requesting Expedited Adoption of a Conditional Exemption from Tariff Publication in FMC Dockets No. P3-03, P5-03, P7-03, P8-03, P9-03, P1-04, P2-04 and P4-04 by first-class mail on the following counsel for parties in the above-captioned dockets:

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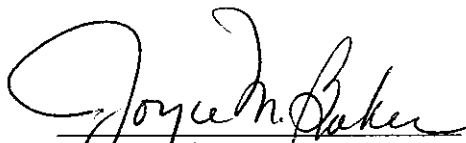
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